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2004 Regular Session 4lr2406 CF 4lr2411

By: Senator Jimeno (Chairman, Anne Arundel County Senators) Introduced and read first time: February 6, 2004 Assigned to: Education, Health, and Environmental Affairs A BILL ENTITLED 1 AN ACT concerning 2 Anne Arundel County - Alcoholic Beverages - Interests in Multiple Licenses 3 FOR the purpose of exempting certain business establishments in Anne Arundel County that hold any interest in a certain alcoholic beverages license on or 4 5 before a certain date from the prohibition against holding interests in more than 6 one license; providing a certain exception; making stylistic changes and 7 technical corrections; making this Act an emergency measure; and generally 8 relating to alcoholic beverages licenses in Anne Arundel County. 9 BY repealing and reenacting, with amendments, Article 2B - Alcoholic Beverages 10 11 Section 9-301 12 Annotated Code of Maryland (2001 Replacement Volume and 2003 Supplement) 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 14 15 MARYLAND, That the Laws of Maryland read as follows: 16 Article 2B - Alcoholic Beverages 17 9-301. [In] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN the 18 (A) 19 enumerated subdivisions below, a person, partnership, firm or corporation, except by 20 way of renewal, may not have an interest in more than one license, whether held or 21 controlled by direct or indirect ownership, by stock ownership, interlocking directors 22 or interlocking stock ownership, or in any other manner, directly or indirectly. It is the 23 intention of this section to prohibit any person, firm, partnership or corporation from 24 having any interest, directly or indirectly, in more than one license. 25 (B) (1) In Baltimore County: 1. Except that the provisions of this section do not apply to 26 (i) 27 licenses issued for premises operated as a motel or motor court having 100 rooms or

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			Except by way of renewal, a person, franchisor, franchisee, in interest in more than 1 Class A (off-sale) at license is to be held or controlled by:
4		A.	Direct or indirect ownership;
5		B.	A franchise operation;
6		C.	A chain store operation;
7		D.	Stock ownership;
8		E.	Interlocking directors or interlocking stock ownership; or
9		F.	Any other method of ownership or control.
10 11	(ii) PARAGRAPH is intended:	[Item 2	of subparagraph (i)] SUBPARAGRAPH (I)2 OF THIS
12 13	for the use in franchised or cha	1. ain store	To regulate Class A (off-sale) alcoholic beverages licenses operations in Baltimore County; and
14 15	provisions of § 9-102 of this ti	2. tle.	To be in addition to the provisions of this section and the
16 17	(2) Worcester County Except that the provisions of this section do not apply to any licenses issued under § 9-102(j) of this title.		
20 21 22 23 24 25 26 27 28 29 30	store operation, partnership, firm or corporation, except by way of renewal, may not have any interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by chain store operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner directly or indirectly. It is the intention of this [subsection] PARAGRAPH to prohibit any such persons, franchisor, franchisee, chain store operation, firm, partnership, or corporation from having any interest, directly or indirectly, in more than one license EXCEPT BY WAY OF A LESSOR. Nothing in this [subsection] PARAGRAPH applies to or affects any such type of business establishment already holding such a license ON OR BEFORE MARCH 1, 2004, or the possibility of such licensee having [the] A license transferred to a similar type of business establishment. (ii) This [subsection] PARAGRAPH does not apply to licenses issued		
33	under the provisions of §§ 8-202(i) and 9-102(h-1) of this article. (4) In Howard County:		
34	(i)	1.	Except for renewals, a person, partnership, firm, or
35	corporation may not have an interest in more than one alcoholic beverages license in Howard County whether held or controlled by direct or indirect ownership, by stock		

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1 ownership, interlocking directors or interlocking stock ownership, or in any other 2 manner, directly or indirectly; and 3 Except for renewals, it is the intention of this paragraph to 4 prohibit any person, firm, partnership, or corporation from having any interest, 5 directly or indirectly, in more than one license. 6 The prohibitions in this [subsection] PARAGRAPH do not apply (ii) 7 to the number of licenses authorized under § 8-408.1 or § 9-102(o) of this article. 8 In Baltimore City, except as authorized by § 9-102 of this title, 9 a person, franchisor, franchisee, chain store operation, partnership, firm or 10 corporation, except by way of renewal, may not have any interest in more than one 11 Class A license, whether held or controlled by direct or indirect ownership, by 12 franchise operation, by chain store operation, by stock ownership, interlocking stock 13 ownership, or in any other manner directly or indirectly. It is the intention of this 14 [subsection] PARAGRAPH to prohibit any such persons, franchisor, franchisee, chain 15 store operation, firm, partnership, or corporation from having any interest, directly or 16 indirectly, in more than one Class A license. Nothing in this [subsection] PARAGRAPH 17 applies to or affects any such type of business establishment already holding such a 18 license or the possibility of such licensee having the license transferred to a similar 19 type of business establishment. 20 This [subsection] PARAGRAPH is intended: (ii) 21 To regulate alcoholic beverages licenses for the use in 1. 22 franchised operations in Baltimore City; and 2. 23 To be in addition to the provisions of § 9-102 of this article. 24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an 25 emergency measure, is necessary for the immediate preservation of the public health 26 or safety, has been passed by a yea and nay vote supported by three-fifths of all the 27 members elected to each of the two Houses of the General Assembly, and shall take 28 effect from the date it is enacted.